

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, April 25, 2016
City Hall, Room 604
6:00 p.m.**

*****For more detailed information regarding the meeting, please see the meeting video on our website at <http://greenbaywi.gov/event/green-bay-plan-commission-meeting-5/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Ald. Dave Nennig, Sid Bremer, Heather Mueller and Lisa Hanson

MEMBERS EXCUSED:

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Stephanie Hummel, Peggy Crabb, Brent Crabb, Hans Zietlow, Diane Bisick, Ellen Segersin, Ryan Radue, Scott Vanidestine, Scott Wagner, Ald. Mark Steuer, Ald. Tom De Wane, Ald. Guy Zima.

APPROVAL OF MINUTES:

Approval of the minutes from the April 11, 2016, Plan Commission meeting (0:00:37)

A motion was made by T. Gilbert and seconded by L. Hanson to approve the minutes from the April 25, 2016, Plan Commission meeting. Motion carried.

M. Conard stated that Item #3 will be moved up and be the first item discussed.

OLD BUSINESS:

3. (ZP 16-15) Discussion and action on the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located along the northwest corner of Deckner Avenue and Lorraine Terrace, the 2600 Block of Deckner Avenue, submitted by Ryan Radue. (Ald. T. De Wane, District 2) (0:01:00)

P. Neumeyer stated this request was tabled at the previous Plan Commission meeting due to concerns from staff and an objection letter from an adjoining property owner. P. Neumeyer briefly went through the information that was presented at the last meeting. Information included zoning, the proposed site plan, staff concerns, and the objection letter. Staff's recommendation is denial due to saturation of two-family homes in the area. He stated the applicant is present to address any questions.

A conversation ensued between Commissioners, Ald. M. Steuer and Staff regarding the request. L. Hanson asked if this was recommended for denial at the last meeting. P. Neumeyer stated at the last meeting it was recommended to table the request. Ald. M. Steuer inquired about a proposed map and possibility of future road patterns.

M. Conard suspended the rules for public comments.

Diane Bisick – 2426 Bluestone Place: D. Bisick stated she is representing her mother Lorraine Gerseck, property owner. D. Bisick shared her displeasure with Commissioners regarding the issues. She informed Commissioners she has had two other single-family homes denied on that lot.

A conversation ensued between Commissioners, staff and D. Bisick regarding the surrounding properties owned by her mother, L. Gerseck, and if they were always two-family homes. K. Vonck stated that the past zoning code did allow duplexes by right; however, the zoning code was changed in 1989 for duplexes in a single family zone requiring a CUP.

Ellen Segersin – 2603 Deckner Avenue: E. Segersin stated she is the property owner of the lot next to where the duplex will be built and does not want a duplex next to her property as there are a number of them in the area and problems to go along with them. Her main concern is the value of her property will decrease.

Ryan Radue – 2111 Dollar Road, De Pere: R. Radue is from Radue Homes. He explained in detail the site plan of the duplex that will be built and who might be occupying the home. He stated that he would argue that there are a lot of duplexes that do have problems in that area, but so do single-family homes for that matter. He is willing to work with the neighbors.

Ald T. De Wane stated he did talk with homeowners in the area and informed Commissioners what was discussed and his concerns regarding building a duplex in that location.

Ald. M. Steuer asked P. Neumeyer questions regarding the required setbacks and the possibility of vacating Lorraine Terrace. A conversation ensued regarding the specifics of Ald. M. Steuer's questions.

M. Conard returned the meeting to regular order of business.

A conversation ensued between staff and Commissioners. K. Vonck shared additional information as to the number of duplexes that came into the area and when.

Ald. G. Zima shared history regarding the neighborhood as a whole. A conversation continued between Commissioners, Ald. T. De Wane, Ald. G. Zima, and Ald. M. Steuer regarding the number of duplexes in the area, quality of the building, problems with the tenants, neglected properties, saturation of duplexes in the area, and traffic issues.

Ald. D. Nennig stated that they need to look at what the Comprehensive Plan calls for as the objective was to try and limit the density of development areas as much as possible. He stated that a single family home would be a good use for that property. He has nothing against rental properties or duplexes, but it is not a good fit for this property. He does support the staff's recommendation.

S. Bremer spoke briefly regarding issues they have had in the past in re-establishing vacant property back into two-family uses. They have been working on limiting the density in particular areas and like to see the two-family uses turned into single family homes. She will be supporting Staff's recommendation. Ald. Nennig, S. Bremer, M. Conard, and T. Gilbert discussed their reasoning for agreeing with Staff's recommendation.

A motion was made by T. Gilbert and seconded by S. Bremer to deny a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located along

the northwest corner of Deckner Avenue and Lorraine Terrace, the 2600 Block of Deckner Avenue. Motion carried.

2. (ZP 16-14) Discussion and action on the request to rezone from Highway Commercial (C2) District & Office Residential (OR) District to Downtown (D1) District and authorize a Conditional Use Permit (CUP) for a Gas Station / Convenience Store at 515 W. Walnut St. / 113 S. Maple Street, submitted by Kwik Trip, Inc. (Ald. G. Zima, District 9) (0:31:47)

P. Neumeyer gave the background on the request for rezoning and the Conditional Use Permit (CUP). Affected property owners were notified of the request with no objections to the request. Staff is recommending approval of the request subject to the following conditions:

- A. Installation of a means to prohibit vehicular traffic from accessing the site along east property line, between the south building façade and south property line.
- B. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.

M. Conard suspended the rules for public comments.

Peggy Crabb – 122 S. Maple Ave: P. Crabb stated she is opposed of the driveway that will be further south on Maple Ave. Otherwise she does not have an issue with the project. This issue was addressed by P. Neumeyer and stated that Kwik Trip was also present to answer any questions.

A conversation continued regarding the rezoning and if the use fits into the Comprehensive Plan and truck traffic. Other items talked about for this request consisted of a buffer / transitional yard.

Hans Zietlow – Kwik Trip: H. Zietlow stated this site is something new they are doing called the Kwik Trip Express. He does agree the project site is tight and does present some difficulties. He explained in detail some of the difficulties they are having and walked through the site plan, which did address truck traffic concerns. They will have limited hours and no car wash attached to the smaller stores. They have no issue working with Neighborhood Associations as they want to be good neighbors.

A conversation continued between the applicant and Commissioners regarding the construction of the building and façade, and traffic issues to include the number of “big truck” deliveries a week as most items are delivered by smaller trucks.

Ald. G. Zima addressed H. Zietlow with issues and questions regarding a larger buffer, acquiring additional properties, using the alleyway for truck traffic, new road deterioration, and the selling of alcohol. H. Zietlow did address Ald. G. Zima’s issues, and the fact they would need to have a change in the Comprehensive Plan and they don’t have the time it takes at this point.

L. Hanson asked H. Zietlow questions regarding the buffer, façade, and traffic. P. Neumeyer did caution about adding conditions as there are policies in place. K. Vonck agreed.

A conversation between Ald. G. Zima and H. Zietlow led to H. Zietlow stating he would like to withdraw his application.

A small conversation continued regarding the request. Since the application was withdrawn verbally and not in writing, a motion can still be made regarding the request and forwarded to City Council.

Ald. M. Steuer expressed his concern regarding the notification process and the historical ramification of the building that will be torn down. Ald. T. De Wane then suggested the vote be delayed due to the applicant leaving and withdrawing the application.

Commissioners agreed that a motion should be made as Kwik Trip has a timeline they need to keep. Ald. D. Nennig asked K. Vonck if he could contact the applicant and see if there is any further discussion. K. Vonck stated that he would do so. The conversation continued with the discussion of pushing the request forward or tabling the request to the next meeting.

A motion was made by S. Bremer to table the request until the next meeting. A conversation continued and it was decided that they have received all the information needed to go forward with the request.

S. Bremer then withdrew her motion.

Brent Crabb – 122 S. Maple Ave: His main concern is the driveway and increased traffic in the area, but he doesn't have an issue with Kwik Trip.

M. Conard returned the meeting to regular order of business.

A conversation continued between Commissioners and their reasoning for moving forward with application.

A motion was made by S. Bremer and seconded by T. Gilbert to rezone from Highway Commercial (C2) District & Office Residential (OR) District to Downtown (D1) District and authorize a Conditional Use Permit (CUP) for a Gas Station / Convenience Store at 515 W. Walnut St. / 113 S. Maple Street, subject to the conditions recommended by staff and contingent on written confirmation from the applicant regarding the withdrawal of the application.

Before the motion was voted on, Ald. G. Zima and Ald. T. De Wane expressed their opinions on why they shouldn't move forward with the request at this time. K. Vonck stated it is just a verbal request or outburst and the Plan Commission can still vote on the request until a written request is submitted.

Motion carried. (5-1) (Noes: Ald. D. Nennig)

COMMUNICATIONS:

1. Request by Ald. Tom De Wane to make sure the cell tower on NEW Lutheran properties matches cosmetically with the neighborhood. (1:39:28)

K. Vonck stated this request was made by Ald. T. De Wane and their recommendation is to receive and place on file. In going through State Statutes, the city cannot legally put conditions onto the cell tower.

A conversation ensued between Ald. T. De Wane, Ald. M. Steuer, and staff regarding cell towers and the City's authority or lack of authority

M. Conard suspended the rules for public comments.

Scott Vanidestine - 2410 Hampton Ave: He stated neighbors met with the school, and the neighbors now have an attorney. They want the city to help them make the tower look decent.

M. Conard asked S. Vanidestine what he would like to see happen. He would like to see the tower look not like a tower.

M. Conard returned the meeting to regular order of business.

A motion was made by S. Bremer and seconded by H. Mueller to receive and refer to staff a request by Ald. Tom De Wane to make sure the cell tower on NEW Lutheran properties matches cosmetically with the neighborhood.

Motion carried.

NEW BUSINESS:

4. (ZP 15-17c) Discussion and action on the request to amend an existing Planned Unit Development (PUD) to include 607 Fred Street, submitted by Larry Langohr, University Avenue Center, LLC. In addition, the Planning Staff is requesting a rezoning of the same parcel from Low Density Residential (R1) to Highway Commercial (C2). (Ald. D. Nennig, District 6 and Ald. J. Moore, District 5) (1:58:20)

P. Neumeyer presented to Commissioners the request for the third step in the University Avenue project. The latest concept plan was presented to Commissioners, which includes the property of 607 Fred Street. Information presented included current and future zoning, a landscape plan for the entire development, the transitional yard, and site plan.

M. Conard suspended the rules for public comments.

Tim Pease – 2324 University Ave: He stated he is concerned and displeasure about the placement of a billboard.

T. Gilbert stated that he appreciates his concern, however, it is not the topic of discussion tonight and cannot be acted upon and would need to be brought up to staff or a neighborhood meeting.

Ald. D. Nennig explained to Commissioners what the process was when the PUD first came to City Council regarding the billboard sign. K. Vonck then shared information regarding the outcome of the billboard.

M. Conard returned the meeting to regular order of business.

A motion was made by H. Mueller and seconded by T. Gilbert to amend an existing Planned Unit Development (PUD) to include 607 Fred Street, and a rezoning of the same parcel from Low Density Residential (R1) to Highway Commercial (C2). Motion carried.

M. Conard stated they will move to item #6 as they are related.

6. (SV 16-02) Discussion and action on the request to close a portion of Fred Street, submitted by University Avenue Center, LLC, property owner. (Ald. D. Nennig, District 5 and Ald. J. Moore, District 6) (2:13:27)

S. Hummel stated this request is the same subject area as the previously discussed rezoning. Once the street is vacated, half generally goes to each adjoining property owner. She provided an overview of how the vacated street will be used as part of the adjoining properties, as well as an overview of the conditions. Staff recommends approval of the request. (2:13:17)

A motion was made by Ald. D. Nennig and seconded by H. Mueller to vacate a portion of Fred Street subject to the following conditions:

- A. A 25 ft. wide sanitary sewer easement shall be retained, centered on the existing sanitary sewer line.
- B. The property currently addressed as 607 Fred Street shall be added into Lot 1 of CSM 15-05 to ensure access to the lot.

Motion carried.

- 5. (ZP 16-13) Discussion and action on the request to authorize a Conditional Use Permit (CUP) to permit an accessory structure with a metal exterior greater than 120 sq. ft. located in an Office Residential (OR) District at 1405 West Mason Street, submitted by Scott Wagner, property owner. (Ald. C. Wery, District 8) (2:15:44)

P. Neumeyer presented to Commissioners the request for a Condition Use Permit (CUP) for an accessory structure located at 1405 W. Mason. His presentation included current and future zoning recommended by the Comprehensive Plan. He explained how the property came to need a CUP, which was due to a complaint and was not permitted properly. Due to the size and material of the structure a CUP is required. He then explained the ordinance associated with the zoning code. Staff is recommending denial of the CUP. Affected property owners were notified of the request and no calls or objections were received. The applicant also provided several letters of support, which are within the meeting packet.

M. Conard suspended the rules for public comments.

(S. Bremer left the meeting at 8:15 pm)

Scott Wagner – 1405 W Mason St: He gave a brief history of how he acquired the property and what was already on site. He set up the new carport not knowing he needed a permit or what the zoning ordinances were. He asked if he closed up both ends of the carport if that would be acceptable and more aesthetically pleasing. He presented signatures of support from neighboring properties.

A discussion was underway between staff, the applicant, and Commissioners regarding the items that were sticking out past the carport into the open. The applicant stated that would be taken care of. The conversation continued regarding the closing of the ends of the structure, the principle dwelling, the architectural style, permit information, site plan information and actions that would need to be taken if the request was denied.

M. Conard returned the meeting to regular order of business.

A conversation then ensued between Commissioners and staff regarding the request.

A motion was made by T. Gilbert to deny a Conditional Use Permit (CUP) to permit an accessory structure with a metal exterior greater than 120 sq. ft. located in an Office Residential (OR) District at 1405 West Mason Street. No one seconded. Motion failed.

A motion was made by D. Nennig and seconded by L. Hanson to authorize a Conditional Use Permit (CUP) to permit an accessory structure with a metal exterior greater than 120 sq. ft. located in an Office Residential (OR) District at 1405 West Mason Street, with the condition that the ends of the structure be enclosed and that the development meet all other applicable city standards.

Motion carried. (4-1) (Noes: T. Gilbert)

7. (PP 16-04) Discussion and action on the request by Ald. J. Moore to eliminate all permit fees for private lead pipe service line upgrades through December 31, 2017. (2:31:36)

K. Vonck stated the permit fee is \$30 and based on the maximum number of private service lines that are lead, the maximum impact would be \$3,000. Staff recommends approval of the request and would administratively make a note to waive the permit fee for private lead pipe service line upgrades.

A motion was made by T. Gilbert and seconded by H. Mueller to eliminate all plumbing permit fees for private lead pipe service line upgrades through December 31, 2017. Motion carried.

OTHER:

M. Conard welcomed Ald. D. Nennig as a member of the Plan Commission.

Director's Update on Council Actions (2:34:06)

K. Vonck reported the following information:

At the last Council meeting, a number of items were received and placed on file as recommended. Approval was given to vacate Camel Court and to hire Vierbicher to complete the Stadium Entertainment District (Uptown) Master Plan. The Redevelopment Authority approved \$40,000 in funding from TID 7 for the plan. A steering committee will be created and work will begin in May.

A motion was made by L. Hanson and seconded by T. Gilbert to adjourn. Motion carried.

Meeting adjourned at 8:35 p.m.